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10/036,182	12/28/2001	Mika H. Laaksonen	061608-0220	4864

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60610-4764

EXAMINER

JONES, HEATHER RAE

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/036,182	LAAKSONEN, MIKA H.	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9-20, 22, 23, and 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Takemura (U.S. Patent 6,657,658).

Regarding claim 1, Takemura discloses a data unit for storage of image or audio data so that an image or an audio representation can be presented based on the image or audio data, the data unit comprising the image or audio and information regarding adjustments that have been made to the image or audio representation after the image or audio data was input in the data unit, wherein the image or audio representation is stored on the data unit without reflecting the adjustments that have been made thereto (Fig. 6; col. 8, lines 22-56 – the image

data and the finishing information are stored separately and the image data is the original image data as can be seen from Fig. 6).

Regarding claim 2, Takemura discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the data unit comprises at least two fields such that the information is stored in a field that is separate from a field in which the data is stored (col. 8, lines 47-56).

Regarding claim 3, Takemura discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as disclosing the separate field comprises a comment field (col. 8, lines 47-56 - the comment field would be the finishing information).

Regarding claim 4, Takemura discloses all the limitations as previously discussed with respect to claim 1 including that the data unit being adapted to provide information regarding changes that are to be made to the image or the audio presentation before representation thereof (col. 8, line 57 - col. 9, line 21 - as can be seen from Fig. 6 that before the final image is printed it undergoes image processing).

Regarding claim 5, Takemura discloses all the limitations as previously discussed with respect to claim 1 including that the data unit comprises compressed image or audio data (col. 8, lines 22-56).

Regarding claim 6, Takemura discloses all the limitations as previously discussed with respect to claim 1, as well as disclosing that the data unit comprises an image data field (col. 8, lines 47-56).

Regarding claim **9**, Takemura discloses all the limitations as previously discussed with respect to claims 1 and 6 as well disclosing a data unit wherein the adjustments relate to one or more of the following adjustments: brightness of the image; contrast of the image; white balance of the image; gamma correction of the image; boundaries of the image; sharpening of the image; or quality of the image (col. 8, lines 10-22).

Regarding claim **10**, Takemura discloses a device, comprising: a storage for storing image data associated with an image, along with information regarding adjustments made to the image data after the data was stored into the storage, wherein the image data is stored without reflecting the adjustments that have been made thereto; and a processor (33) for processing the image data based at least in part on the information, the information being indicative of changes to be made to the image data before the image is displayed on a display (45) (Figs. 6 and 8; col.10, lines 20-36).

Regarding claim **11**, Takemura discloses all the limitations as previously discussed with respect to claim 10 as well as disclosing a device wherein the processor (33) is adapted to change at least one of the following features of the image based at least in part on the information: brightness of the image; contrast of the image; white balance of the image; gamma correction of the image; boundaries of the image; sharpening of the image; or quality of the image (col. 8, lines 10-22; col. 10, lines 20-36).

Regarding claim **12**, Takemura discloses all the limitations as previously discussed with respect to claim 10 including that the changes in the image to be displayed do not affect the image data stored in the storage (col. 10, lines 21-36 - It is inherent that the image data stored in the data unit is not affected since the processing order is read from the memory card and then applied to the image before it displayed on the display and the displayed image is not saved anywhere).

Regarding claim **13**, Takemura discloses all the limitations as previously discussed with respect to claim 10 as well as the processor (33) is adapted to modify the image based at least in part on information included in a comment field of the storage (col. 10, lines 21-36).

Regarding claim **14**, Takemura discloses all the limitations as previously discussed with respect to claim 10 including a device wherein the processor (33) is adapted to change the information indicative of the changes in the image (col. 12, lines 36-41).

Regarding claim **15**, Takemura discloses all the limitations as previously discussed with respect to claim 10 as well as disclosing that the device comprises a portable device (the digital camera in Fig 6 is portable).

Regarding claim **16**, Takemura discloses all the limitations as previously discussed with respect to claim 10 including that the device comprises a mobile station (the digital camera in Fig. 6 is mobile).

Regarding claim **17**, Takemura discloses all the limitations as previously discussed with respect to claim 10 including that the device comprising a digital camera (Fig. 6).

Regarding claim **18**, Takemura discloses a method of displaying an image, comprising: storing image data associated with the image in a data storage; storing, in the data storage, information indicative of modifications made to the image after storing of the image data so that the information can be fetched when the image is to be displayed by a display device, wherein the modifications are not reflected in the image data stored in the data storage; and modifying the image based on the information; and displaying the modified version of the image (Fig. 6; col. 8, lines 22-56 – the image data and the finishing information are stored separately and the image data is the original image data as can be seen from Fig. 6).

Regarding claim **19**, Takemura discloses all the limitations as previously discussed with respect to claim 18 a method wherein the image data is stored in a compressed form an image data field of an image data storage unit and the information indicative of modifications is stored in another field of the image data storage unit (col. 8, lines 47-56).

Regarding claim **20**, Takemura discloses all the limitations as previously discussed with respect to claims 18 and 19 including that the other field comprises a comment field (col. 8, lines 47-56 - the comment field would be the finishing information).

Regarding claim **22**, Takemura discloses all the limitations as previously discussed with respect to claim 18 as well as disclosing a method wherein the modification comprises modification of at least one of the following features of the image: brightness of the image; contrast of the image; white balance of the image; gamma correction of the image; boundaries of the image; sharpening of the image; or quality of the image (col. 8, lines 10-22; col. 10, lines 20-36).

Regarding claim **23**, Takemura discloses all the limitations as previously discussed with respect to claim 18 as well as disclosing a method wherein the most recent information indicative of the modifications of the image is stored while the image data remains substantially unchanged after the image has been modified (col. 10, lines 21-36 -It is inherent that the image data stored in the data unit is not affected since the processing order is read from the memory card and then applied to the image before it displayed on the display and the displayed image is not saved anywhere).

Regarding claim **26**, Takemura discloses all the limitations as previously discussed with respect to claim 18 as well as disclosing a method wherein the image is one of a plurality of images that are displayed in succession (it is inherent that the image is one of a plurality of images to be displayed when more than one image has been taken because the user may scroll through the saved images).

Regarding claim **27**, Takemura discloses all the limitations as previously discussed with respect to claims 18 and 26 including that each image of the

plurality of images is provided with information indicative of modifications made to the image (as be seen from Fig. 6 each image has a comment field attached to the image field).

Regarding claim **28**, Takemura discloses all the limitations as previously discussed with respect to claims 18 and 26 as well as disclosing a method wherein at least one image of the plurality of images is provided with information indicative of modifications made to the image, and wherein at least one other image of the plurality of images is modified based on the information (it is inherent that at least one other image of a plurality of images is modified based on the information from another image; when a user finds the correct parameters to enhance an image for a particular venue then all the images taken at that venue would be taken using the same parameters).

Regarding claim **29**, Takemura discloses all the limitations as previously discussed with respect to claim 18 including that the image is displayed on a screen (LCD) of a portable display device (digital camera) (Fig. 6 – the image is displayed on the camera to make the original adjustments).

Regarding claim **30**, Takemura discloses all the limitations as previously discussed with respect to claim 18 including that the image data is transmitted to the display device over a wireless interface (col. 8, lines 57-67).

Regarding claim **31**, Takemura discloses a data unit for storage of image or audio data associated with an image or audio representation, comprising the image or audio data and information regarding adjustments to the image or audio

representation, wherein the image or audio representation is stored on the data unit without reflecting the adjustment to be made thereto (Fig. 6; col. 8, lines 22-56 – the image data and the finishing information are stored separately and the image data is the original image data as can be seen from Fig. 6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura as applied to claims 1 and 18 above.

Regarding claims 7 and 8, Takemura discloses all the limitations as previously discussed with respect to claim 1, but fails to explicitly disclose the image data is stored in a lossy format and that the image data field comprises a JPEG file or similar. Official Notice is taken to store image data using JPEG and it is a component of JPEG that the data is stored in a lossy format. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the image using JPEG compression because JPEG provides low complexity and utilizes memory efficiently.

Regarding claim 21, grounds for rejecting claims 7 and 8 apply to claim 21 in its entirety.

Regarding claim **24**, Takemura discloses all the limitations as previously discussed with respect to claim 18, but fails to disclose a method comprising the steps of: dividing the image area into a plurality of image blocks before the step of storing the image data; compressing the image data in each of the image blocks separately; storing the compressed image blocks in the data storage means; selecting at least one of the image data blocks to be fetched from the data storage means based on the information indicative of modifications; fetching the selected at least one image data block from the data storage means; decompressing the at least one fetched image data block; and displaying the content of the decompressed at least one image data block. Official Notice is taken to store image data using JPEG compression and the process described above is part of JPEG compression. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the image using JPEG compression because JPEG provides low complexity and utilizes memory efficiently.

Regarding claim **25**, Takemura discloses all the limitations as previously discussed with respect to claim 18, but fails to disclose a method wherein the selection of the image data blocks is accomplished to adjust the size of the image area to be displayed. Official Notice is taken that cropping may be used to alter an image and that it is a well-known technique. Furthermore, Takemura allows the user to select either portrait or landscape as finishing information which require cropping the image. Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to alter the size of the image to be displayed by using a cropping technique and saving this parameter in the comment field in order to display only a portion of the image to further enhance the details in that region of the original image. By saving a cropping parameter the original image would still be saved as well in order to allow the user to restore the image to its original shape at any point in time.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs. 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
November 13, 2007



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600